THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.NO.15421 OF 2006

BETWEEN:

S.Ramaiah

..petitioner

vs.

The Returning Officer, Marrigudem Gram Panchayat Khammam District and another

..Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.NO.15421 OF 2006

ORAL ORDER

The petitioner and another were the only two contestants to the post of Sarpanch of Marrigudem Gram Panchayat of Kunavaram Mandal, Khammam District. The petitioner's nomination was rejected on the ground that he suffered a disqualification since he is involved in a criminal case in which he is arrayed as an accused for the offence under Sec.354 of IPC. Aggrieved the petitioner preferred an appeal to the 2nd respondent. The 2nd respondent by the order dated.22-07-2006 rejected the appeal on the ground that the petitioner has suffered a disqualification under Sec.33(A) of the Representation of Peoples Act,1955. The petitioner being a contestant for the office of a Sarpanch under the Panchayat Raj Act,1994 (for short "the Act") the validity of a nomination filed by him will have to be tested *qua* the provisions of the said Act. The disqualification for being a candidate is provided under Sec.19 of the said Act. The petitioner's contention is that he has not suffered any disqualification under the provisions of Sec.19 of the Act because he has not yet suffered any conviction.

As the petitioner's nomination was rejected, the other candidate was treated as the sole candidate and declared elected. In the circumstances the plea of the petitioner impeaching the appellate order of the 2nd respondent dated.22-07-2006 ought not to be gone into in this writ petition

as the writ petitioner has an efficacious statutory remedy by way of election petition under the provisions of the Act.

Relegating the petitioner to pursue the said remedy, the writ petition is dismissed at the stage of admission. No order as to costs.

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GODA RAGHURAM,J

28TH JULY 2006
PVSN/*TSNR